Exhibit C (Pt. 1 of 4)

Morris, Nichols, Arsht & Tunnell

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> > July 15, 2003

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BY HAND

The Honorable Mary Pat Thynge United States Magistrate Judge United States District Court Federal Building 844 King Street Wilmington, DE 19801

> Inline Connection Corporation v. EarthLink, Inc., C.A. No. 02-477 Re:

Inline Connection Corporation v. AOL, Inc., C.A. No. 02-272

Dear Magistrate Thynge:

On behalf of all parties, we are filing this afternoon the Joint Submission Regarding Claim Construction. Although the parties worked diligently toward submitting these papers yesterday, we were unable to meet the afternoon filing deadline. We apologize for the delay in submitting this to you and regret any inconvenience our delay may cause.

Respectfully,

Donald F. Parsons, Jr.

Enclosure

Clerk of the Court (By Hand) cc: John L. Reed, Esquire (By Hand)

Frederick Cottrell, III, Esquire (By Hand) C. Celeste Creswell, Esquire (By FedEx)

Kurt M. Rogers, Esquire (By FedEx)

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

INLINE CONNECTION CORPORATION,)	
Plaintiff,) C.A. No. 02-477-MPT	
v.)	
EARTHLINK, INC.,)	
Defendant and Counterclaimant.)	COS.
INLINE CONNECTION CORPORATION,)	CLERK U.S. POOB JUL 1
Plaintiff and Counterdefendant, v.))) C.A. No. 02-272-MPT	DISTRICT COF DELAWA
AOL TIME WARNER INCORPORATED)	SS
Defendant, and)	
AMERICA ONLINE, INC.)	
Defendant and Counterclaimant.))	

JOINT SUBMISSION REGARDING CLAIM CONSTRUCTION

Pursuant to the Scheduling Order, and the parties conference with the Court on June 26, 2003, Inline Connection Corp. ("Inline"), American Online, Inc., AOL Time Warner Incorporated (together "AOL"), and Earthlink, Inc. ("Earthlink") hereby submit their respective claim constructions of the patent claims asserted by Inline, and the terms of such claims in dispute. Three of the Inline patents, U.S. Patent nos. 5,844,596 ('596); 6,243,446 ('446); and 6,542,585 ('585) share a substantially identical written disclosure. U.S. Patent no. 6,236,718 ('718) has a separate written disclosure. The Joint Claim Construction Chart is attached hereto

as Exhibit 1; the patents are attached hereto as Exhibit 2; and Inline's proposed glossary of relevant dictionary definitions and treatise citations is attached hereto as Exhibit 3.

Preliminary Statement Concerning The Identity of the Claim Terms at Issue

The disputed claim terms fall into three categories. First, the parties agree that certain terms or phrases require construction by the court. These claim terms are listed below with citations to the claims in which these terms appear:

1. Telephone exchange:

' 596 Patent: Claim 61:

'446 Patent: Claim 1;

'585 Patent: Claims 1 and 8.

2. Signal interface

'596 Patent: Claim 61;

'446 Patent: Claims 1, 2, 3, and 6;

'585 Patent: Claims 1, 2, and 4.

3. High frequency band, frequencies above the telephone voice band:

'596 Patent: Claim 61;

'446 Patent: Claims 1, 3, and 6;

'585 Patent: Claims 1 and 4;

'718 Patent: Claims 22 and 24.

4. First transceiver:

'718 Patent: Claim 22.

5. Second transceiver:

'718 Patent: Claim 22.

6. Control signal:

'446 Patent: Claim 6.

7. Control information:

'718 Patent: Claim 22.

8. First transmitted signal:

'718 Patent: Claim 22.

9. Second transmitted signal:

'718 Patent: Claim 22.

The second category of claim terms or phrases in dispute are claim limitations that AOL and EarthLink contend are written in means-plus-function format and should be construed in accordance with 35 U.S.C. § 112, ¶ 6. Each of these claim limitations includes the phrase "circuitry for" or "circuitry coupled,", e.g., "circuitry for accepting...", "circuitry for receiving...", "circuitry for transmitting...", "circuitry coupled to said conductive path for accepting..." These claim limitations appear in certain elements in each of the asserted claims of the Patents-in-Suit. Inline contends that such claim limitations do not invoke means-plusfunction construction.

The final category of claim terms in dispute are those claim terms that Inline believes are in need of construction by the Court and for which Inline has provided definitions it contends are the ordinary meanings of such claim terms. In support of its proposed ordinary meanings, Inline has presented in its portion of the Joint Claim Chart dictionary definitions, and in a very few instances, treatises. Inline has included additional definitions in its proposed glossary, at attachment 3. The phrase "an external source of information" is in this category.

AOL's and EarthLink's Explanatory Statement

AOL and EarthLink disagree with Inline with respect to three matters relating to the Joint Claim Construction Submission: (1) Inline's assertion on July 9 of six new patent claims and inclusion of those patent claims in the Joint Submission; (2) Inline's inclusion of evidence other than citations to the intrinsic record, i.e., the patent specification and prosecution history, in the Joint Submission; and (3) Inline's position that the Court should construe every limitation in the patent claims. By agreement of the parties, AOL and EarthLink and Inline each will submit a letter to the Court limited to three pages in length addressing these issues.

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July 15, 2003

IT IS SO ORDERED this	_ day of, 2003.
	United States Magistrate Judge

Filed 02/17/2006

Dictionaries and Treatises			Claim Dankary		
	Fatent Specification			Claim Construction	Citation to Intrinsic
					Evidence
			'596 Patent		
Signal: An electrical wave	'596 Col. 1:23-44	A system that communicates	61. A system for	AOL and EarthLink do not	
mation.	'596 Col. 3:41-45	information between "external	communicating information	believe that any claim	
	*596 Col. 3:58-67	source of information": a	between an external source of	language other than the	
NEWTON'S TELECOM	'596 Col. 4: 8-14	source of information outside	information and a plurality of	specific terms for which they	
	'596 Col. 4:53-55	the system and data	destinations of information	have provided a construction	
1990). See also Appendix A.	1.596 Col. 6:16-67, Col. 7:1-54	processing devices connected	over a telephone wiring	requires further definition.	
	'596 Col. 7, 65-67, Col. 8: 1	to the system.	network used for passing	Therefore, this claim language	
Exchange: Switching	,596 Col. 9:6-8		telephone signals in a	needs no construction.	
of	'596 Col. 11:1-67, Col. 12 1-	The information is	telephone voice band between	(Hereinafter, "Needs no	
traffic-carrying devices,	31	r a network	a plurality of telephone devices	construction").	
switching stages, controlling	'596 Col. 12:32-49		and a telephone exchange.		
and signaling means at a	'596 Col. 13:34-53	for passing signals in a	comprising:		
network node that enables	' 596 Col. 16:6-18	etween)		-
subscriber lines and/or other	'596 Col. 21:34-35	two or more telephones or			
telecommunication circuits to	'596 Figure 1a	other devices that			
be interconnected as required	*596 Figure 3a	communicate in the telephone			
by individual callers.	'596 Figure 3c	voice band and "telephone			
GRAHAM LANGLEY,	•	exchange": telephone			
TELEPHONY'S		switching devices.			
DICTIONARY 77 (1st ed.		0			
1982). See also Appendix A.					
	'596 Col. 29:44-47	Two or more transceivers	a plurality of transceivers	Needs no construction.	
	'596 Col. 13:8-16	between wiring that is part of	coupled between the telephone		
	'596 Col. 40:12-19	or connected to the telephone	wiring network and		
	'596 Figure 1a	wiring network and a data	corresponding destinations of		

¹ Claim terms appear bolded and in quotes, followed by Inline's proposed claim construction in bold.

ş	'596 Figure 15 '596 Col. 12:32-67,	Indue's Claim Construction	Claim Language	AOL's and EarthLink's Claim Construction	AOL's and EarthLink's 1. Citation to Intrinsic 0. Evidence
상	13:1-7	processing device, to which information communicated by the system is directed.	information, each including		cv-00866
C. Mish ed., 1989). See also Appendix A. Circuit: Apex Inc. v. Raritan Computer, Inc. 325 F.3d 1364, 1373 (Fed Cir. 2003) ("The term 'circuit' is defined as 'the combination of a number of electrical devices and conductors that, when interconnected to form a conducting path, fulfill some desired function.' Dictionary of Computing, 75 (4th ed. 1996) In light of this definition, it is clear that the term 'circuit,' by itself connotes some structure.") Voiceband: The 300 Hz to	596 Col. 66:15-62 Fig. 15	"[C]ircuitry": electrical circuitry that recovers data from signals with "high frequency band": frequencies above the telephone voice band and are not affected by signals with frequencies within the telephone voice band.	circuitry for accepting signals in a high frequency band of frequencies above the highest frequency of the telephone voice band and rejecting signals in the telephone voice band; and	"Circuitry for accepting and rejecting band" is written in means-plus-function format. Pursuant to 35 U.S.C. § 112(6), the proper construction of this element is limited to the corresponding structure disclosed in the patent specification for performing the claimed function and equivalents thereof. (Hereinafter, meansplus-function claim elements). The recited function is accepting signals in the band of frequencies above 1 Mhz and rejecting telephone signals. The structure disclosed in the specification for performing this function is video	Fig. 3a Fig. 3a Fig. 3c Fig. 3c Fig. 3c Fig. 15 (video processing of circuity 506) Col. 12, 11. 54-56 Col. 12, 11. 54-56 Col. 13, 11. 54-56 Col. 24, 11. 64 - Col. 29, 11. 65 Col. 38, 11. 53 - Col. 39, 11. 55 Col. 66, 11. 22-27. Application of col. 66, 11. 22-27. above the col. 20, 11. 22-27. by Processing of col. 20, 11. 22-27. col. 66, 11. 22-27. above the col. 20, 11. 22-27. col. 66, 11. 22-27. above the col. 20, 11. 22-27. col. 66, 11. 22-27. above the col. 20, 11. 22-27. col. 66, 11. 22-27. above the col. 20, 11. 22-27. col. 66, 11. 22-27. above the col. 20, 11. 22-27. col. 66, 11. 22-27. above the col. 20, 11. 22-27. col. 66, 11. 22-27. above the col. 20, 20, 20, 20, 20, 20, 20, 20, 20, 20,

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AOL's and EarthLink's Citation to Intrinsic Evidence	,	Fig. 1a Fig. 1b Fig. 2 Col. 1, 1l. 35-39 Col. 2, 1l. 13-36 Col. 3, 1l. 41-57 Col. 3, 1l. 41-57 Col. 3, 1l. 10-15 Col. 9, 1l. 6 Col. 9, 1l. 16 Col. 19, 1l. 15 Col. 11, 1l. 1-5 Col. 11, 1l. 1-5 Col. 12, 1l. 18-21 Col. 14, 1l. 43-58 Col. 17, 1l. 38-42 Col. 29, 1l. 25-35 Col. 30, 1l. 10-14 Col. 48, 1l. 37-52 Col. 48, 1l. 37-52 Col. 63, 1l. 6-13.	
AOL's and EarthLink's Claim Construction	A "high frequency band of frequencies above the highest frequencies of the telephone voice band" is the band of frequencies above 1 MHz.	The "signal interface" is a device interposed on the opposite end (i.e., the local side) of the public trunk line (as defined by the inventor in the patent) from the telephone exchange that performs the recited functions of the incorporated circuitry.	
Claim Language		a signal interface coupled between the external source of information and the telephone wiring network, including	
Inline's Claim Construction		A "signal interface": device that provides an interconnection and adaptation of signals, which is connected between the telephone wiring network and the external source of information.	E
Inline's Citation to the Patent Specification		'596 Col. 8:37-48 '596 Col. 8:53-56 '596 Col. 9:1-8 '596 Col. 11:34-65 '596 Col. 3:65-67 '596 Col. 4:1-2 '596 Col. 4:53-59 '596 Col. 8:9-25 '596 Col. 30:35-53 '596 Fig. 1a portions of transceiver/switch 400 '596 Fig. 1b portions of transceiver/switch 400 '596 Fig. 1b	
Inline's Citation to Dictionaries and Treatises	3400 Hz band used on telephone equipment for the transmission of voice and data. JERRY M. ROSENBERG, COMPUTERS, DATA PROCESSING & TELECOMMUNICATIONS 577 (1984). See also Appendix A.	Interface: A concept involving the definition of the interconnection between two equipments or systems. The definition includes the type, quantity, and function of the interconnecting circuits and the type and form of signals to be interchanged via those circuits. Mechanical details of plugs, sockets, and pin numbers, etc., may be included within the context of the definition. GRAHAM LANGLEY, TELEPHONY'S DICTIONARY 104 (1st ed. 1982) See also Appendix A.	

Fig. 2 Fig. 4 Col. 15, II. 26-47 Col. 16, II. 26-38 Col. 31, In. 32 - Col. 37, In. 32 - Col. 31, In. 3
"Circuitry for receiving source of information" is a M+F claim element. The recited function is receiving a plurality of external signals encoding a plurality of information streams from the external source of information. The structure disclosed in the specification for performing this function is Processor 418.
circuitry for receiving a plurality of external signals encoding a plurality of information streams from the external source of information, and
Electrical circuitry that receives "information streams": signals that communicate information from the external source of information
'596 Col. 11:49-65 '596 Col. 13:26-35 '596 Col. 15:10-16 '596 Col. 37:64-67 '596 Col. 38:1-6 '596 Col. 65:53-58
Circuitry: the plan or the components of an electric circuit. THE NEW MERRIAM-WEBSTER DICTIONARY 146 (Frederick C. Mish ed., 1989). See also Appendix A. Circuit: Apex Inc. v. Raritan Computer, Inc. 325 F.3d 1364, 1373 (Fed Cir. 2003) ("The term 'circuit' is defined as 'the combination of a number of electrical devices and conductors that, when interconnected to form a conducting path, fulfill some desired function.' Dictionary of Computing, 75 (4th ed. 1996) In light of this definition, it is clear that the term 'circuit,' by itself

Case 1

					Case
Inline's Citation to Dictionaries and Treatises	Inline's Citation to the Patent Specification	Inline's Claim Construction	Claim Language	AOL's and EarthLink's Claim Construction	AOL's and EarthLink's : Citation to Intrinsic GO
connotes some structure.")					
Circuitry: the plan or the components of an electric circuit. THE NEW MERRIAM-WEBSTER DICTIONARY 146 (Frederick C. Mish ed., 1989). See also Appendix A. Circuit. Apex Inc. v. Raritan Computer, Inc. 325 F.3d 1364, 1373 (Fed Cir. 2003) ("The term 'circuit' is defined as 'the combination of a number of electrical devices and conductors that, when interconnected to form a conducting path, fulfill some desired function.' Dictionary of Computing, 75 (4th ed. 1996) In light of this definition, it is clear that the term 'circuit,' by itself connotes some structure.")	'596 Col. 13:26-42 '596 Col. 8:19-25 '596 Col. 65:56-67 '596 Col. 11:52-57	Electrical circuitry that outputs signals to one or more transceivers selected from the plurality of transceivers. The signals communicate information in a high frequency band over the telephone wiring network.	circuitry for transmitting to selected sets of one or more of the plurality of transceivers a corresponding plurality of internal signals in the high frequency band each encoding one of the plurality of information streams over the telephone wiring network;	"Circuitry for transmitting streams" is a M+F claim element. The recited functions are (1) processing the external signals encoding the plurality of information streams from the external source of information into a plurality of internal signals, and (2) selecting and transmitting to any of the plurality of transceivers any of the plurality of information streams. The structures disclosed in the specification for performing these functions are signal separator 413 in conjunction with processor 420 and master controller 415.	Fig. 2 Fig. 4 Fig. 4 Col. 15, II. 27-60 Col. 30, II. 35-48 Col. 30, II. 38 - Col. 33, In. 29 Col. 30, II. 58 - Col. 33, In. 29 Fig. 7 Fig. 7 F
	'596 Col. 21:67, Col. 22: 1-8 '596 Col. 11:27-33	A wire, set of wires, and/or jack (jack, etc.) that connects to the wires that connect the	wherein the telephone wiring network includes a branch network which couples	"Circuitry for preventing transmission network" is a M+F claim element.	Fig. 1a 00 Col. 12, 1l. 46-51. 9
	220 COI. 12.40-51	transceiver and the signal interface. The jack couples	one of the plurality of telephone devices to the	The recited function is	Pag
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	AOL's and EarthLink's Citation to Intrinsic Evidence		
	AOL's and EarthLink's Claim Construction	preventing the transmission of signals above 1 Mhz from reaching one of the telephone devices. The structure disclosed in the specification for performing this function is a low pass filter The "telephone exchange" is a central office.	
	Claim Language		
	Inline's Claim Construction	the telephone devices to the telephone devices to the telephone network which is connected to the telephone exchange, and the branch connected to the telephone exchange, and the branch network includes circuitry for preventing transmission of signals in the high frequency band from interfering with the telephone devices. The high frequency band is frequencies above the telephone voice band.	
	Inline's Citation to the Patent Specification	'596 Col. 12:46-51. '596 Figure 1a, LPF	
	Inline's Citation to Dictionaries and Treatises		

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	AOL's and EarthLink's Citation to Intrinsic Evidence			
	AOL's and EarthLink's Claim Construction		Needs no construction.	
	Claim Language	'446 Patent	1. A system for communicating information between an external source of information and destinations of information over a telephone wiring network used for passing telephone signals in a telephone voice band between a plurality of telephone devices and a telephone exchange, comprising:	
	Inline's Claim Construction		A system that communicates information between "external source of information": a source of information": a processing devices connected to the system and data processing devices connected to the system. The information is communicated over a network of telephone wiring that is used for passing signals in a telephone voice band between two or more telephones or other devices that communicate in the telephone voice band and "telephone exchange": telephone switching devices.	
	Inline's Citation to the Patent Specification		'446 Col. 1:29-46 '446 Col. 1:1-55 '446 Col. 3:46-47 '446 Col. 3:60-67, Col. 1:1-4 '446 Col. 4:10-16 '446 Col. 4: 55-57 '446 Col. 6:18-67 '446 Col. 7: 66-67 '446 Col. 8:1-26 '446 Col. 9:1-8, 17-20 '446 Col. 11:43-46 '446 Col. 11:43-46 '446 Col. 12:37-45 '446 Col. 12:37-45 '446 Col. 12:38 - Col. 13:22 '446 Col. 12:38 - Col. 13:22 '446 Col. 16:13-25 '446 Col. 21:46-48'446	
	Inline's Citation to Dictionaries and Treatises		Exchange: Switching exchange: an aggregate of traffic-carrying devices, switching stages, controlling and signaling means at a network node that enables subscriber lines and/or other telecommunication circuits to be interconnected as required by individual callers. GRAHAM LANGLEY, TELEPHONY'S DICTIONARY 77 (1st ed. 1982). See also Appendix A.	

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AOL's and EarthLink's Citation to Intrinsic Evidence				Fig. 3a	Fig. 3c	Fig. 15 (video processing	circuitry 506)	Col. 12, 11. 60-62	Col. 13, 11. 4-18	Col. 25, In. 9 - Col. 20, In. 57	Col. 38, ln. 66 - Col. 40, ln.	Col. 66, In. 64 - Col. 67, In.									
AOL's and EarthLink's Claim Construction				"Circuitry coupled	accepting and rejecting	M+F claim element.			accepting (passing) signals in			The structure disclosed in the			processing circuitry 506.	A "high frequency band of					
Claim Language				a transceivers coupled	between a conductive path of	and a first destinations of	information, including	circuitry coupled to said	conductive path for accepting	band of frequencies above the	highest frequency of the	telephone voice band and	telephone voice band;								
Inline's Claim Construction				A transceiver that is coupled	between wiring that is part of		processing device to which	information communicated by	the system is directed. The	"[C]ircuitry": electrical	circuitry that recovers data	from signals in the "high	frequencies above the	telephone voice band and are	not effected by signals in the	telephone voice band.			∞		
Inline's Citation to the Patent Specification	lines 476', extended pairs 405, unnumbered telephone wiring, local exchange 475, 492a-c, 495c, and 498a	'446 Fig. 1b telephone devices 514, twisted pairs 476, extended pairs 405	'446, Fig. 3a, 3c		·	'446 Col. 40:25-31		'446 Col. 1:30-34	7446 Col. 11:4-37	'446 Col. 4: 38-54		1446 Col. 66:57-67	'446 Fig. 15								
Inline's Citation to Dictionaries and Treatises				Voiceband: The 300 Hz to		ata.	RG,	ATA	PROCESSING &	577 (1984). See also Appendix	·¥										

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AOL's and EarthLink's Citation to Intrinsic Evidence		Fig. 3a Fig. 3c Fig. 3c Fig. 3c Fig. 8 Fig. 15 (video processing circuitty 506) Col. 12, 11. 60-62 Col. 13, 11. 4.18 Col. 19, In. 38 - Col. 20, In. 5 Col. 25, In. 9 - Col. 30, In. 5 Col. 66, In. 64 - Col. 67, In. 34 Col. 67, In. 37	
AOL's and EarthLink's Claim Construction	frequencies above the highest frequency of the telephone voice band" is the band of frequencies above 1 MHz.	The "high frequency band" is the band of frequencies above 1 MHz.	
Claim Language		a plurality of filters, each coupled between said conductive path and a corresponding one of the plurality of telephone devices, for preventing transmission of signals in the high frequency band to the telephone devices; and	
Inline's Claim Construction	A high frequency band of frequencies above the highest frequency of the telephone voice band is a band of frequencies above the telephone voice band.	Two or more low pass filter circuits that are connected between a telephone device and a connection to the telephone wiring network and prevent signals with frequencies above the telephone voice band from interfering with the telephone device. The high frequency band is the band of frequencies above telephone with the telephone device.	6
Inline's Citation to the Patent Specification		'446 Col. 12: 52-57 '446 Col. 16: 13-25 '446 Col. 48: 65-67 '446 Col. 49:1-7 and 11-13 '446 Col. 54: 64-67 '446 Col. 55:1-2 '446 Fig. 2, 474	
Inline's Citation to Dictionaries and Treatises		Filter: A device which transmits a select range of energy. An electrical filter transmits a selected range of frequencies, while stopping (attenuating) all others. HARRY NEWTON, NEWTON'S TELECOM DICTIONARY 200 (3rd ed. 1990). See also Appendix A. Low-Pass Filter: Filter circuit that passes all frequencies below the cutoff frequency and blocks frequencies above it. JOHN DOUGLAS-YOUNG, ILLUSTRATED BNCYCLOPEDIC DICTIONARY OF ELECTRONICS 341 (1st ed. 1981). See also Appendix A.	

Case 1:

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AOL's and EarthLink's Citation to Intrinsic Evidence	See citations for signal interface in '596 patent, claim800-61. Possible of the property of t	Fig. 2 (Processor 418) Fig. 4 Col. 15, II. 34-54 Col. 16, II. 34-46 Col. 31, In. 44 - Col. 37, In.	
AOL's and EarthLink's Claim Construction	The "signal interface" is a device interposed on the opposite end (i.e., the local side) of the public trunk line (as defined by the inventor in the patent) from the telephone exchange that performs the recited functions of the incorporated circuitry.	"Circuitry for receiving source of information" is a M+F claim element. The recited function is receiving an external signal encoding an information stream from the external source of information. The structure disclosed in the specification for performing this function is Processor 418.	
Claim Language	a signal interface coupled between the external source of information and said conductive path, including	circuitry for receiving an external signal encoding an information stream from the external source of information,	
Inline's Claim Construction	A "signal interface": device that provides an interconnection and adaptation of signals, which is connected between the telephone wiring network and the external source of information between the two	Electrical circuitry that receives signals that communicate information from the external source of information	10
Inline's Citation to the Patent Specification	'446 Col. 4:55-57 '446 Col. 8:39-48 '446 Col. 9:1-8 '446 Col. 11:38 - Col. 12:2 '446 Col. 15:34-54 '446 Col. 30:44-64446 Fig. 1a portions of transceiver/switch transceiver/switch 400 '446 Fig. 1	'446 Col. 11:53-61 '446 Col. 13:41-49 '446 Col. 15:35-40 '446 Col. 38:9-18 '446 Col. 66:27-30	
Inline's Citation to Dictionaries and Treatises	Interface: A concept involving the definition of the interconnection between two equipments or systems. The definition includes the type, quantity, and function of the interconnecting circuits and the type and form of signals to be interchanged via those circuits. Mechanical details of plugs, sockets, and pin numbers, etc., may be included within the context of the definition. GRAHAM LANGLEY, TELEPHONY'S DICTIONARY 104 (1st ed. 1982). See also Appendix A.	ck	

Case 1: